



ORDER OF BUSINESS

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Minutes of an Ordinary Meeting of Council held in the Freebairn Recreation Centre on Wednesday 18 February 2015 commencing at 11.10am

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President of the Shire welcomed all present and declared the meeting opened at 11.10am

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Attendance

JM Sullivan	President	East Ward
BD West	Vice President	West Ward
RD Duckworth	Councillor (from 2:09pm)	West Ward
MJ Ledwith	Councillor	West Ward
BP Taylor	Councillor	Central Ward
G Robins	Councillor	Town Ward
HT McInnes	Councillor (left 3:30pm)	Town Ward
R O'Brien	Councillor	Central Ward
R Bowey	Councillor	Town Ward
G Hadlow	Chief Executive Officer	
C Vandenberg	Deputy CEO	
N Thompson	Executive Support Officer / Minutes	
L Hobson	Manager of Works (from 4:03pm)	

3. PUBLIC QUESTION TIME

As there were no members of the public present, there were no questions asked.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Shire of Kulin Ordinary Meeting – 17 December 2014

01/0215

Moved Cr West Seconded Cr Ledwith that the minutes of the Ordinary Council Meeting held on 17 December 2014 be confirmed as a true and correct record.

Carried 8/0

Kulin Bush Races Post Event Meeting – 21 October 2014

02/0215

Moved Cr O'Brien Seconded Cr Bowey that the minutes of the Kulin Bush Races Post Event Meeting held on 21 October 2014 be confirmed as a true and correct record.

Carried 8/0

6 MATTERS REQUIRING COUNCIL DECISION

6.1 List of Accounts – December 2014 & January 2015

RESPONSIBLE OFFICER: DCEO
FILE REFERENCE: 12.06
AUTHOR: DCEO
DISCLOSURE OF INTEREST:

SUMMARY:

Attached is a list of accounts paid during the months of December 2014 and January 2015 for Council's consideration.

BACKGROUND & COMMENT:

Nil

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That December payments being cheque No's 1667 - 1673 (Bush Races), 36223 - 36244 (Municipal), EFT No's 9278 - 9376 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$718,921.02 be passed for payment and;

That January payments being cheque No's 300 (Trust Fund) 1674 - 1676 (Bush Races), 36245 - 36263 (Municipal), EFT No's 9377 - 9489 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$495,400.74 be passed for payment and;

VOTING REQUIREMENTS:

Simple majority required.

03/0215

Moved Cr O'Brien Seconded Cr Robins that December payments being cheque No's 1667 - 1673 (Bush Races), 36223 - 36244 (Municipal), EFT No's 9278 - 9376 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$718,921.02 be passed for payment and;

That January payments being cheque No's 300 (Trust Fund) 1674 - 1676 (Bush Races), 36245 - 36263 (Municipal), EFT No's 9377 - 9489 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$495,400.74 be passed for payment.

Carried 8/0

6.2 Financial Report December 2014

RESPONSIBLE OFFICER: DCEO

FILE REFERENCE: 12.01

AUTHOR: DCEO

DISCLOSURE OF INTEREST:

SUMMARY:

Attached is the financial report for the period ending 31 December 2014.

BACKGROUND & COMMENT:

Nil

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires local governments to prepare each month a statement of financial activity reporting on the revenue and expenditure of funds for the month in question.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council endorse the monthly financial statements for the period ending 31 December 2014.

VOTING REQUIREMENTS:

Simple majority required.

04/0215

Moved Cr Robins Seconded Cr Taylor that Council endorse the monthly financial statements for the period ending 31 December 2014.

Carried 8/0

6.3 Council Policy Document – Burning on Sundays and Public Holidays

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 09.03
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Included in our current Policy Document is a section under Bush Fire Control that relates to burning on Sundays and Public Holidays as follows;

“BURNING ON SUNDAYS AND PUBLIC HOLIDAYS

From the start of the restricted burning time to the end of Easter, no person is allowed to light a fire on a Sunday or Public Holiday.”

BACKGROUND & COMMENT:

The policy is fairly ambiguous in that there is confusion over whether burning can be carried out on Sundays and public holidays following the close of the restricted burning period on 15 March each year. I am uncertain how long this policy has been in place however I suspect that it has never really been adhered too and with the availability of firefighting equipment today I suggest it is a bit archaic.

Depending on interpretation the matter could be an issue with the upcoming Blazing Swan event. The Blazing Swan event is scheduled to be held over Easter this year with the main “burning” events taking place on Saturday 4th, Sunday 5th & Monday 6th April. If the policy is not changed then we need to resolve that the no burning policy be rescinded at least for these dates.

I have spoken to Garry Strother, CBFCA, and Gerald Noble, immediate past CBFCA, who both indicated that they would have no issue with the policy being deleted. It appears that the policy is likely to have been one brought forward from ages ago when there simply was not the number of firefighting units around to deal with any fire outbreaks, in particular on Sundays (historically for sporting days) and public holidays (people away).

I do not believe the deletion of the policy will have any adverse effects on the district.

FINANCIAL IMPLICATIONS

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS

Nil

POLICY IMPLICATIONS:

If deleted the policy will need to be removed from the policy document.

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That item 3.13 "Burning on Sundays and Public Holidays" be removed from the Shire of Kulin Policy Manual.

VOTING REQUIREMENTS:

Simple majority required.

05/0215

Moved Cr Taylor Seconded Cr Robins that item 3.13 "Burning on Sundays and Public Holidays" be removed from the Shire of Kulin Policy Manual.

Carried 8/0

06/0215

Moved Cr Taylor Seconded Cr McInnes that Council go 'in camera' to discuss Item 6.4.

Carried 8/0

07/0215

Moved Cr Seconded Robins Cr West that Council come 'out of camera' in regards to Item 6.4.

Carried 8/0

6.4 Freebairn Recreation Centre – Staff Matters

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 22.16
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

As Council is aware Jane Ardagh has resigned from her position as Manager of Leisure Services. She finished up on Thursday 29 January 2015.

BACKGROUND & COMMENT:

The employment of staff at the Recreation Centre has always been a contentious issue due mainly to having to try and balance the caliber of staff we want to employ and always having to take into consideration the overall operational loss incurred or the reduced service that may occur due to the wrong employment model.

I prepared a rough draft of some options that I think may be suitable for the "managers" role and have included this as an attachment to the agenda. This draft was given to the FRAC for their input and Cr West and Cassi will be able to provide comment on the FRAC discussions.

It is my belief that in reality there are two major options:

- Employ a bar manager who simply runs the centre as a function centre and deals with the day to day operations. Under this model the manager would be full time and generally work all bar hours, including weekends, do the cleaning, liaise with centre users and generally act as secretary for the FRAC. Under this model there would be no need to employ a backpackers, except perhaps for a few months of the year during busy periods.
- Employ a Rec Centre manager who has the overall responsibility of running and promoting the centre, run recreation programs and generally be the "recreation officer" for the Shire. This model would require a backpacker or part time person to serve at the bar.

I think that the second model has serious shortfalls, including:

- The expectation that a person with qualifications in the recreation field will be able to actively promote and market the centre to realize an increased use of the building as a function centre, not necessarily just for sporting events.
- If we do not increase the use of the centre then we will always see an operating shortfall well in excess of what we are prepared to pay.

Following Jane's departure, and in a sense in consultation with Peter Kenyon while he was recently here for the community health check, I propose that we completely overturn the way we have been operating the FRAC and advise as follows:

MINUTES OF ORDINARY MEETING HELD 18 FEBRUARY 2015

- Gen Whisson has indicated she is prepared to take on a more general marketing role for the whole town rather than focusing on individual facilities and services (refer to the CEO report where I have detailed a list of her duties). This will include marketing/promoting the Rec Centre, tourism in general, the Memorial hall, Camp Kulin (although unlikely to be significant due to our intention to increase staff for this project) and take on a role as sponsorship coordinator for the Kulin Bush Races. It needs to be emphasised that Gen will not be involved in the operational side of the facilities. Marketing of the centre will include local as well as external users of the facility.
- Either employ a full time bar manager/function centre manager to run the operational sides on the centre OR employ a part time person in this role and use a backpacker for the busy times of the year, probably for around 8 months of the year.
- The beauty of the part time manager/backpacker model is that we can increase the part time manager or backpacker hours as the centre gets busier as a result of increased marketing and promotion.

From a financial aspect I can advise as follows:

- Gen Whisson has advised that she will be seeking a contract extension from April 2015 for a further two year period with a reduction in hours to 3 days per week.
- These two days can be used to effectively pay the part time manager with the intention that we employ a backpacker basically for 8/9/10 months of the year. I think the Jan/Feb months can be catered for by the part time manager and using local casual bar staff as required during these periods.
- By adopting this suggestion we will see a significant saving as we effectively are saving the current Rec Centre managers entire salary, estimated at around \$80,000 per annum inclusive of overheads and potentially more if subsidized housing is taken into account.

If we proceed with the part time manager and backpacker model then we really need to advise clubs that they need to take a bit more responsibility for functions at the centre. For sure Council can still provide the set up and general arrangements but the clubs will need to adopt a more hands on approach with activities at the centre. In relation to fitness activities and other recreation programs these can be run using appropriately qualified external people to provide these services. I would also recommend that we reconsider our charges for the centre, particularly for exercise related activities including the gym and court area.

It is also our intention to become more stringent on raising cleaning fees for all clubs who use Rec Centre facilities and leave a mess for centre staff to clean.

I don't think that the above action will have any real detrimental impact on the centre as locals and sporting clubs are really only using the centre for sporting events at the present time. The aim is to try and make the centre a place that people want to be and if we succeed in increasing usage then the operational costs will look after themselves.

FINANCIAL IMPLICATIONS

If adopted the our running costs for the centre should reduce due to no longer requiring a full time Rec Centre manager.

STATUTORY AND TOWN PLANNING IMPLICATIONS

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

The matter has been discussed by the FRAC committee and Cr West and our Deputy CEO will be able to provide a verbal report on these discussions.

WORKFORCE IMPLICATIONS:

There will be a slight change in workforce structure however the effects on the organisation will be fairly minimal.

RECOMMENDATION:

That Council endorse the following:

- that Gen Whisson's role be changed slightly to include marketing and promotion of all Council facilities, including the Freebairn Recreation Centre,
- that we employ a part time Rec Centre Manager, with responsibility for, but not limited to, liaising with recreation centre users (including clubs operating from the building), function coordination, centre maintenance, overseeing casual bar staff and administration duties associated with the centre, and
- continue to employ a backpacker casual for the busier times of the year, possibly up to 10 months of the year.

VOTING REQUIREMENTS:

Simple majority required.

08/0215

Moved Cr Taylor Seconded Cr West that Council endorse the following:

- that Gen Whisson's role be changed slightly to include marketing and promotion of all Council facilities, including the Freebairn Recreation Centre,
- that we employ a part time Rec Centre Manager, with responsibility for, but not limited to, liaising with recreation centre users (including clubs operating from the building), function coordination, centre maintenance, overseeing casual bar staff and administration duties associated with the centre, and
- continue to employ a backpacker casual for the busier times of the year, possibly up to 10 months of the year.

Carried 8/0

6.5 Jupiter Health & Medical Services

NAME OF APPLICANT: John Read, CEO, Shire of Kondinin
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 24.07
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

All Councillors will have received a copy of the report that John Read, CEO, Shire of Kondinin, submitted to their Council meeting on Wednesday 11 February 2015.

BACKGROUND & COMMENT:

I now have a copy of the resolution passed by the Kondinin Shire in relation to this matter as follows:

Decision of Kondinin Shire Council at its meeting on 11th February, 2015:

“Resolution

THAT Council approach Jupiter Health and Medical Services regarding improving their Medical Doctor services, covering the following issues:

1. The Shire of Kondinin communicate regarding these issues in future with Dr Michael Gendy.
2. Jupiter ensure that its surgeries are open to the public during the hours advertised.
3. Jupiter ensure that all patient fees charged are consistent and that these fees be advertised at surgeries and in the local newsletters.
4. Jupiter solve its staffing problems.
5. Jupiter's request for \$72,000 per year financial assistance be considered in September, 2015, when the renewal of the Agreement/Contract is to be considered and negotiated.
6. Jupiter provide a Medical Doctor who treats all patients.
7. Jupiter ensure that the Kondinin based pharmacy is operating and common drugs required by patients are available at surgeries during the Doctor's visits to Kulin and Hyden.
8. Jupiter provide details of the daily number of patient attendance at Kondinin, Hyden and Kulin surgeries for the last six month period (1/9/2014 to 28/2/2015).“

Obviously the matter needs further discussion from our perspective.

FINANCIAL IMPLICATIONS

Nil at this stage, although there will be an impact on future budgets if we are required to pay the contribution as requested by Jupiter Health & Medical Services.

STATUTORY AND TOWN PLANNING IMPLICATIONS

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council support the Shire of Kondinin's resolution passed at their meeting dated 11 February 2015.

VOTING REQUIREMENTS:

Simple majority required.

09/0215

Moved Cr O'Brien Seconded Cr Bowey that Council support the Shire of Kondinin's resolution passed at their meeting dated 11 February 2015.

Carried 8/0

6.6 Kulin Herbarium

NAME OF APPLICANT: Sandra Murray
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 02.09
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Attached to the agenda is a copy of correspondence between the CEO and Kulin Herbarium President, Sandra Murray.

BACKGROUND & COMMENT:

While some of the issues are operational I think that we need to consider the options we have available for the future of the Herbarium at the same time as appreciating that Council has considered the issue briefly at past meetings.

It is my view that we do have some obligation to provide support to the Herbarium in their capacity as a community organisation similar to many others we have supported, and will continue to support, in the past.

Unfortunately we do not have a position at present on the future use of the existing office space and we are unlikely to be able to make that decision for some time. In the meantime I provide the following information on possible solutions:

- The Shop at 6 High St, Kulin (opposite the IGA) is in the hands of the Public Trustee and my understanding is that they do not intend to sell this building for some time. There are issues with power supply, the building is not connected to the infill sewerage scheme and I believe that they have not been able to contact the family of the Estate. The use of this building may be an option in the long term.
- The shop at 49 Johnston St, Kulin (owned by John Bell) I believe has an offer to purchase on it. I had intended to recommend to Council that we purchase this shop for use by the Herbarium however obviously that may no longer be an option.
- Is there an option in the short term to allow the herbarium to base themselves in one of the squash courts at the old recreation centre. This could be achieved by lining the Johnston St side court at a fairly minimal cost.

My recommendation below is based on the fact that there is a bit of time for us to consider the options however we do need to commit or otherwise our support for the Herbarium in the interim.

FINANCIAL IMPLICATIONS

If we do make a commitment to support the herbarium then we will need to allow funds for the purchase or upgrade of a suitable building in the not too distant future.

STATUTORY AND TOWN PLANNING IMPLICATIONS

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil, although we could commence an advertising for a suitable building within the community to see what may be available.

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council take the following action in relation to the future of the Kulin Herbarium:

- that Council indicate our in principal support for the Herbarium as an important service/group within the community,
- that we advise the group that we will commence advertising to see if there is currently a building in town for long term lease or purchase that will be suitable for use as a Herbarium,
- should there be a suitable building in town then negotiations commence with the Herbarium Group over future conditions of operation for that building, and
- Council advise the Herbarium Group that there may be a possibility that the existing Council Offices is a suitable option however until a final decision on this buildings future is made no guarantees can be given for any extended period.

VOTING REQUIREMENTS:

Simple majority required.

10/0215

Moved Cr McInnes Seconded Cr O'Brien that Council take the following action in relation to the future of the Kulin Herbarium:

- that Council indicate our in principal support for the Herbarium as an important service/group within the community,
- that we advise the group that we will commence advertising to see if there is currently a building in town for long term lease or purchase that will be suitable for use as a Herbarium,
- should there be a suitable building in town then negotiations commence with the Herbarium Group over future conditions of operation for that building, and

Council advise the Herbarium Group that there may be a possibility that the existing Council Offices is a suitable option however until a final decision on this buildings future is made no guarantees can be given for any extended period.

Carried 8/0

6.7 Long Service Leave – Denis Brandis

NAME OF APPLICANT: Denis Brandis
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 22.04
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Denis Brandis has become eligible for LSL and he has written to indicate that he wishes to take the leave from 1 June to 10 July 2015. Mr Brandis has also requested that his full entitlement of leave be taken in a 6 ½ week block at double pay.

BACKGROUND & COMMENT:

Under the Local Government LSL regulations the taking of leave at double pay is permitted provided the employer is in agreeance with the request. Section 6 B of the Regulations states:

“6B. Leave on double pay

Where a worker commences a period of long service leave the worker may, if the worker and his or her employer so agree in writing, be paid for each week of that period at double the rate at which he or she would otherwise be entitled under regulation 8 to be paid, but double any period of leave in respect of which the worker is so paid shall be taken into account for the purpose of ascertaining the amount of leave, if any, to which the worker is thereafter entitled and for the purposes of applying the formula in regulation 9(3).”

As far as I am concerned I have no objection that Mr Brandis's request be granted, in fact it will more likely be beneficial as we would need to employ contractors for any time Denis is away if we insist he takes leave for the full 13 weeks at normal time.

FINANCIAL IMPLICATIONS

We have only allowed for 52 weeks pay in the budget for Denis Brandis so if the request is approved then we will actually pay him 58 weeks pay in the current financial year. We can however reimburse the shortfall from the LSL Reserve if necessary.

STATUTORY AND TOWN PLANNING IMPLICATIONS

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

In accordance with Local Government Long Service Leave Regulations.

RECOMMENDATION:

That Council approve Mr Denis Brandis taking his Long Service Leave entitlement in a 6 ½ week block at double pay for the period 1 June to - 10 July 2015.

VOTING REQUIREMENTS:

Simple majority required.

11/0215

Moved Cr Ledwith Seconded Cr O'Brien that Council approve Mr Denis Brandis taking his Long Service Leave entitlement in a 6 ½ week block at double pay for the period 1 June to - 10 July 2015.

Carried 8/0

Council adjourned for lunch at 12.26pm.

Council resumed from lunch at 2.02pm following a tour of the building works being undertaken at the Resource Centre / new Shire Offices.

Cr Duckworth entered the Council Chambers at 2.09pm

6.8 Eastern Wheatbelt Declared Species Group – Future Funding

NAME OF APPLICANT: EWDSG Chair Cyril Smith
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 11.04
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Over the past few months the EWDSG has been liaising with a number of Councils over a future funding model to enable to group to fund their operations. I have attached a copy of the latest suggestion to the agenda for Council information.

BACKGROUND & COMMENT:

The basic proposal is as follows:

- All rate notices will be issued and administered by the State Government on behalf of EWDSG.
- Notices will be created as per the number of rate assessments, if a farmer has 2 or 3 entities/rate notices they will need to pay 2 or 3 rate payments.
- At present neither mining tenements nor urban land are not included in the rating model.
- The Office of State revenue may apply an administration fee of up to \$15,000 per annum.
- All assessments will attract a rate of \$60.

The EWDSG seek comments on the above proposal from member Councils.

FINANCIAL IMPLICATIONS

Council will in fact be \$6,500 better off as we will no longer be required to pay the current annual Local Government levy. I am unsure what the final contribution will be from farmers in the Kulin Shire under the new model.

STATUTORY AND TOWN PLANNING IMPLICATIONS

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council raise no comment or objection to the proposed rating system to be implemented by EWDSG for a funding model for the ongoing control of wild dogs in the agricultural regions.

VOTING REQUIREMENTS:

Simple majority required.

12/0215

Moved Cr Robins Seconded Cr O'Brien that Council raise no objection to the proposed rating system to be implemented by EWDSG for a funding model for the ongoing control of wild dogs in the agricultural regions, provided the Local Governments involved have the power to vote by majority on any future changes including, but not limited to, the VEN rate, rating method, admin charge and expansion of their responsibilities of the EWBG.

Further that the Shire of Kulin considers that a hectare rate is more equitable and that this be considered when the system is reviewed.

Carried 8/1

6.9 Development Assessment Panels (DAP)

NAME OF APPLICANT: State Government DAP

RESPONSIBLE OFFICER: CEO

FILE REFERENCE: 18.05

AUTHOR: CEO

DISCLOSURE OF INTEREST: Nil

SUMMARY:

As Council is aware DAP's came into operation in 2011 to determine development applications that meet a certain threshold value. Each DAP comprises 5 members, 3 specialist members, one of which is the presiding member, and 2 local government members. The appointments of all DAP members expire on 26 April 2015.

BACKGROUND & COMMENT:

Presently our representatives on the DAP are:

Members - Cr Sullivan & Cr West

Alternate Members - Cr Pittard & Cr Duckworth

Note each DAP is required to have alternate members to act should one of the members be unavailable at any particular time.

Nominations are now invited, and must be received no later than 27 February 2015, for appointment for a two year term to expire on 26 April 2017.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council nominate the following members to serve on the DAP for a further two year term expiring 26 April 2017:

Members:

Alternate Members:

VOTING REQUIREMENTS:

Simple majority required.

13/0215

Moved Cr Taylor Seconded Cr O'Brien that Council nominate the following members to serve on the DAP for a further two year term expiring 26 April 2017:

Members: Cr Sullivan and Cr West

Alternate Members: Cr Robins and Cr Duckworth

Carried 9/0

6.10 CEO Performance Review

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 22.16
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

The annual CEO review is required in accordance with the Local Government Act and regulations.

BACKGROUND & COMMENT:

An evaluation sheet will be provided to all councillors for completion and forwarding to the Shire President. The formal review can then be completed during the March meeting.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Local Government Act 1995

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

For Council consideration.

VOTING REQUIREMENTS:

Simple majority required.

Evaluation forms were handed out to all Councillors, to be returned to the President prior to the March Council meeting.

6.11 Annual Report – Auditors Report

NAME OF APPLICANT: DCEO
FILE REFERENCE: 13.03
AUTHOR: DCEO

SUMMARY:

This report presents the 2013/2014 Independent Auditor's Report. It should be noted that no issues of inaccuracy or non-compliance with the Shire's Annual Financial Report for the year ended 30 June 2014 have been identified.

COMMENT:

Each year, as part of Council's audit process, an Independent Audit is undertaken to assess Council's Annual Financial Report and the legitimacy and accuracy of Council's accounts. An Independent Audit Report is then produced by the Auditor and provided to the Chief Executive Officer, Mayor and the Minister / Department for Local Government. The Report is included in Council's Annual Report. Any issues arising from the Independent Audit Report are to be investigated and action taken to resolve those issues. Council's Auditor, Ms Leanne Oliver, will attend a teleconference to discuss the audit report and take questions from Committee members.

FINANCIAL IMPLICATIONS

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That the Auditors Report covering the 2013/14 Annual Report be received.

VOTING REQUIREMENTS

Simple majority required.

14/0215

Moved Cr Duckworth Seconded Cr West that the Auditors Report covering the 2013/14 Annual Report be received.

Carried 9/0

6.12 Asbestos Management Plan

NAME OF APPLICANT: Shire of Kulin
FILE REFERENCE:
AUTHOR: Mr J Goldacre EHO

SUMMARY:

In adopting the Asbestos Management Plan 2014 document shown in **Attachment 1** the Shire of Kulin will comply with the requirements of the *Occupational Safety and Health Regulations 1996*. The Asbestos Management Plan 2014 document will form part of the corporate documentation process for asbestos in the workplace to be made available to staff and contractors working on buildings which contain Asbestos Containing Material (ACM). The Asbestos Management Plan 2014 document also includes the Register of ACM products in workplaces (including housing and public buildings owned by the Shire) and this document will be compiled over the December 2014 to March 2015 period.

BACKGROUND & COMMENT:

A legislative requirement was enacted in the mid-1990s under the *Occupational Safety and Health Act 1984* requiring workplaces to have in place an Asbestos Management Plan and Asbestos Register. The Asbestos Management Plan, field documents and register have been developed with the assistance of the Local Government insurer LGIS (JLTA) to assist the Shire to comply with the legislative requirements for the management of ACM in Shire owned or controlled buildings and workplaces (inclusive of dwellings provided to Shire Staff and Contractors).

ACM in sound condition, left undisturbed, presents negligible risk to employees, building occupants and the general community. Therefore removal of asbestos may not be immediately necessary but should be taken into consideration due to possible health risks and public concern. ACM should be regularly inspected and actions taken to minimise health risk, as far as is reasonably practical by non-invasive sealing or removal by a qualified person and in accordance with the requirements of the Asbestos Management Plan 2014 protocols. The Shire of Kulin ACM Register when completed will provide recommendations only for the buildings and structures identified with ACM and the recommendations are able to be modified as the case may be for each building and structure.

The legislation that the Shire of Kulin is required to comply with is the *Occupational Safety and Health Regulations 1996*, particularly Regulation 5.43 which states:

5.43. Identification and assessment of asbestos hazards at workplaces

Without limiting regulation 3.1 or 5.15, a person who, at a workplace, is an employer, the main contractor, a self-employed person or the person having control of the workplace must ensure that —

- (a) the presence and location of asbestos at the workplace is identified; and
- (b) the process of identification referred to in paragraph (a) and the assessment of risks arising from hazards in relation to asbestos at the workplace are conducted in accordance with the Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)].

Penalties do apply for a breach of Regulation 5.43. The penalties for a 'body corporate' are significant and a local Government is by law a body corporate pursuant to the Local Government Act 1995 Section 2.5:

2.5. Local governments created as bodies corporate –

- (2) The local government is a body corporate with perpetual succession and a common seal.
- (3) The local government has the legal capacity of a natural person.
- (6) Proceedings may be taken by or against the local government in its corporate name.

In May 2014 A Newburn Company SGS Australia Pty Ltd pleaded guilty to failing to ensure that the presence and location of asbestos at the workplace was identified, and was fined in the Perth Magistrates Court to the sum of \$5500 plus costs

In adopting the Asbestos Management Plan 2014 document (attached) the Shire of Kulin meets the requirements of the *Occupational Safety and Health Regulations 1996*. The document will form part of the corporate documentation process and onsite activity for identifying ACM in the workplace and this is to be made available to staff and contractors working on Shire buildings which contain ACM.

FINANCIAL IMPLICATIONS

Cost in time for the onsite inspections of Shire owned and operated public buildings, depots and housing which is estimated at \$1,500 inclusive of setting out the information into the templates. Ongoing operational documentation can be covered in the EHO contact time with the Shire of Kulin.

STATUTORY AND TOWN PLANNING IMPLICATIONS

Occupational Safety and Health Act 1984
Occupational Safety and Health Regulations 1996
Local Government Act 1995

There are no Town Planning implications.

RECOMMENDATION:

That Council endorse the following:

1. Adoption of the document for Asbestos in the Workplace being the Kulin Shire Asbestos Management Plan 2014 as shown in Attachment 8. And;
2. Council authorise the Chief Executive Officer to implement the review of the Register of ACM products in workplace document by conducting onsite inspections of Shire owned public buildings, depots and housing within the Kulin Shire.

VOTING REQUIREMENTS

Simple majority required.

15/0215

Moved Cr Taylor Seconded Cr Ledwith that Council endorse the following:

1. Adoption of the document for Asbestos in the Workplace being the Kulin Shire Asbestos Management Plan 2014 as shown in Attachment 8. And;
2. Council authorise the Chief Executive Officer to implement the review of the Register of ACM products in workplace document by conducting onsite inspections of Shire owned public buildings, depots and housing within the Kulin Shire.

Carried 9/0

7. COMPLIANCE

7.1 Audit & Risk Committee – Teleconference

A teleconference was arranged with Leanne Oliver from Byfields Business Advisors (Council's Auditors) for Council to discuss the 2013/14 Annual Report and to satisfy the requirements of Council to meet with their Auditor once annually.

Leanne addressed questions asked by Councillors and the Management Report was discussed.

8. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

9. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION AT THE MEETING

Nil

Council adjourned for afternoon tea at 3:30pm.

Cr McInnes left the meeting at 3:30pm

Council resumed from afternoon tea at 4.03pm with Manager of Works, Len Hobson in attendance and Tanya Dupagne, Camp Kulin Manager, who provided Council with an update on the current happenings along with the future direction of Camp Kulin.

Tanya Dupagne left the Council Meeting at 4.36pm.

10. INFORMATION BULLETIN ITEMS / COUNCILLOR REPORTS

President Sullivan

Meetings Attended

22 Jan – Central Country Zone teleconference

03 Feb – Peter Kenyon Staff & Council sessions

13 Feb – Central Country Zone teleconference

13 Feb – Opening of Visitor Discovery Zone

16 Feb - Country Local Government Reform Meeting – *Cr Sullivan did not attend*

Questions Without Notice

Interested to hear input from staff at the Peter Kenyon session

Discussed acknowledgement (or the lack thereof) regarding volunteers within the community

Suggested replacing tiles on Railway Shed

MINUTES OF ORDINARY MEETING HELD 18 FEBRUARY 2015

Cr West

Meetings Attended

02 Feb – FRAC Meeting
03 Feb – Peter Kenyon Staff & Council sessions
13 Feb – Opening of Visitor Discovery Zone

Questions Without Notice

Giraffe Awards presented from Peter Kenyon to Graeme Robertson and the Kulin Community – in recognition of 'sticking their necks out'.
Suggested Council could have provided drinks at the VDZ opening. *Congratulations to staff on the event.*

Cr Taylor

Questions Without Notice

Problem with the lights/siren on the Pingaring Fire Truck.
Near the South East Hyden bin is there a bad 'S' bend through Dragon Rocks? *Len Hobson to have a look.*

Cr Duckworth

Meetings Attended

13 Feb – Opening of Visitor Discovery Zone – *congratulated staff on a well run event.*

Cr Robins

Meetings Attended

03 Feb – Peter Kenyon sessions

Questions Without Notice

Suggested CEO contact Gladys Tyson regarding her intentions for future town accommodation.

Cr O'Brien

Meetings Attended

03 Feb – Peter Kenyon sessions

Questions Without Notice

Toilet block at Caravan Park – is that getting a veranda or similar – looks unfinished?
Succession problem with volunteers – came from Peter Kenyon session

Cr Bowey

Meetings Attended

03 Feb – Peter Kenyon sessions – *need an independent study on accommodation options*
05 Feb – Kulin Bush Races Annual Meeting & General Meeting

Questions Without Notice

Should Camp Kulin be represented at Wheatbelt Development Commission launch?
Graffiti – tank on road side – CEO has advised MRWA.

NEXT MEETING

The next Ordinary Council meeting of the Kulin Shire Council is to be held on Tuesday 17 March 2015 commencing at 1:00pm.

CLOSURE OF MEETING

There being no further business the meeting closed at 5.35pm.